

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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APR 21 P 2:53

DAVID DEITZEL

Plaintiff,

v.

SPRINGFIELD TERMINAL RAILWAY  
COMPANY

Defendant

Civil Action No.:

03-12560-RGS

**PLAINTIFF'S MOTION TO EXTEND DISCOVERY  
FOR THE DESIGNATION OF EXPERTS PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(2)(b)**

NOW COMES THE PLAINTIFF in the above-entitled matter and respectfully request  
This Honorable Court extend the deadlines for expert disclosure pursuant to F.R.C.P.  
26(a)(2)(b) for the following reasons:

1. Pursuant to the Court's Scheduling Order dated June 9, 2004, all experts for  
the Plaintiff shall be designated no later than February 25, 2005 pursuant to F.R.C.P.  
26(a)(2)(b), and all experts for the Defendant shall be designated no later than April 29,  
2005.

2. F.R.C.P. 26(a)(2)(b) requires, inter alia, that a witness who is retained or  
specifically employed to provide expert testimony provide a written report prepared and  
signed by the witness which shall contain a complete statement of all opinions to be  
expressed and the basis and reasons therefore, and any data or other information considered  
by the witness informing the opinions.

3. After February 25, 2005, and because of continued pain, the Plaintiff returned for medical treatment with Dr. Robert Babineau and Dr. Sydney Paly, his treating physicians, for injuries sustained in the subject accident. See reports of report of Dr. Sydney Paly attached as Exhibit "A".

4. As evidenced by the attached reports, the Plaintiff underwent surgery by Dr. Paly on March 30, 2005, which Dr. Paly relates to the incident that is the subject of Plaintiff's civil action.

5. Due to this significant new development in Plaintiff's medical treatment, and the reports to be generated from said treatment, Plaintiff hereby requests an extension of 90 days of all deadlines in the Court's Scheduling Order dated June 9, 2004.

WHEREFORE, the parties hereby request that the Scheduling Order be amended to extend all deadlines for 90 days.

BARISH LAW OFFICES, P.C.

By: 

RUDOLPH V. DE GEORGE, II, ESQUIRE

Attorney for Plaintiff David Deitzel

Three Parkway- Suite 1320

1601 Cherry Street

Philadelphia, PA 19102

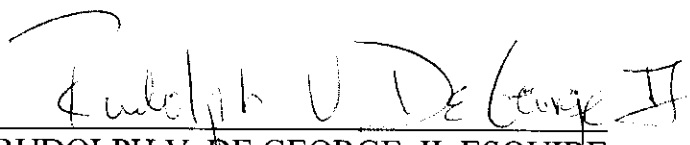
(215) 923-8900

**CERTIFICATE OF SERVICE**

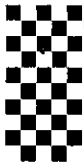
A true and correct copy of Plaintiff's Motion to Extend Discovery For The Designation of Experts Pursuant to Federal Rule of Civil Procedure 26(a)(2)(b) was served upon the following via First-class mail, postage prepaid on April 19, 2005.

John J. O'Brien, Jr., Esquire  
O'Brien & Von Rosenvinge, P.C.  
27 Mica Lane, Suite 202  
Wellesley, MA 02481  
Counsel for Defendant

BARISH LAW OFFICES, P.C.

By:   
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# Exhibit A



## North Shore Neurosurgery & Spine

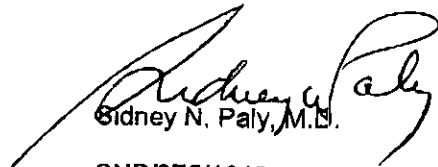
TERENCE DOORLY MD-MICHAEL MEDLOCK MD-SIDNEY PALY MD-MAUREEN HILFINGER NP  
4 Centennial Drive, Suite 204 Peabody, MA 01960 Tel: 978-977-0351 Fax: 978-977-0905

NAME: David Deitzel  
MRN: 4186813  
DOB: 05/08/1965

Rudolph V. DeGeorge, II, Esq.  
3 Parkway, Suite 1320  
Philadelphia, PA 19102

Regard to David Deitzel, who had undergone surgery for a cervical nerve root compression on March 30, 2005, and, as stated, the patient's symptoms had allegedly began following an incident at work in 1999 while the patient was throwing a frozen rail switch. He immediately noted pain in his cervical, paracervical, and shoulder area, which ultimately improved but recurred and remained to some degree present at the shoulder and cervical area, ultimately radiating into the left upper extremity with appropriate neurological findings suggesting a root compression problem. This was confirmed by MRI studies. The patient has since undergone surgery and states that he has improved markedly. The neurological deficit that he had had preoperatively cleared immediately in the postoperative date. One would conclude that there is a causal relationship between the injury in 1999 and the patient's symptomatology and findings.

Very truly,



Sidney N. Paly, M.D.

SNP/975/1043  
DD: 03/31/2005

DT: 03/31/2005FI: 1332198